## Case 1:05-cv-10095-RWZ Document 8 Filed 04/18/2005 Page 1 of 2 United States District Court District Of Massachusetts

Timothy P. Kearney Jr., Pro Se, Flaintiff.

VS.

The May Department Stores, Gregory Jackson, Eric Van Der Valk, Shawn Tubman
Defendants

Civil Action No. 05-10095-RWZ

Motion For Summary Judgment against
defendants and to deny defendants motion for
enlargement of time to file answer and/or
responsive pleading.

Here comes the Plaintiff, Timothy P Kearney Jr., who hereby moves that the defendants' request for a filing extension be denied.

As ground the plaintiff points out that the defendants had 30 days from receipt of the summons to answer. They not follow instructions on the summons thereby showing disrespect for this legal proceeding. As far as not obtaining counsel within the time frame I humbly submit that they could answer by themselves without counsel as I have. Furthermore as you know May Department Stores are being acquired by Federated Department Stores. As with any merger there are major changes and personnel layoffs and attrition as well as documentation misplacement and loss. Therefore this doubling of the time frame could severely prejudice my case.

Whereas only May Department store acknowledged the summary receipt within the thirty days allotted; Eric Van Der Valk, Gregory Jackson and Shawn Tubman did not respond within the thirty days; and none of the defendants including May Department Stores filed an answer within the thirty day time frame I request a **Summary Judgment** in favor of the plaintiff.

Dated this 14th day of April, 2005

Timothy P. Kearney Jr. Pro Se

100 Everett Street Arlington, Ma 02474

## **Certificate Of Service**

I, Timothy P. Kearney Jr hereby certify on the 14th day of April, 2005, I served a copy of the the foregoing, by certified mail, return receipt requested to the defendants' attorney

Michael J Keefe, BBO No.: 263751 Attorney for defendants The May Department Stores AKA Filene's Gregory Jackson Shawn Tubman Eric Van Der Valk Martin, Magnuson, McCarthy & Kenny 101 Merrimac Street, 7<sup>th</sup> Floor Eoston, MA 02114

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